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C O N S T I T U T I O N

(Fundamental Law)

of the

RUSSIAN

SOVIET FEDERATED

SOCIALIST REPUBLIC

of January 21, 1937

As amended through May 27, 1949

Chapter I. The Social Structure

Art. 1. The Russian Soviet Federated Socialist Republic is a socialist State of workers and peasants.

Art. 2. The political foundation of the Russian SFSR is the Soviets of Working People's Deputies, which grew and became strong as a result of the overthrow of the power of the landlords and capitalists and the conquest of the dictatorship of the proletariat.

Art. 3. In the Russian SFSR all power belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

Art. 4. The economic foundation of the Russian SFSR is the socialist system of economy and the socialist ownership of the means and instruments of production established as the result of the liquidation of the capitalist system of economy, the abolition of private ownership of the means and instruments of production and the elimination of the exploitation of man by man.

Art. 5. Socialist property in the Russian SFSR exists either in the form of State property (the possession of the whole people), or in the form of co-operative and collective farm property (the possession of collective farms or co-operative associations).

Art. 6. The land, its natural deposits, waters, forests, mills, factories, mines, rail, water and air transport, banks, communications, large state-organized agricultural enterprises (State farms, machine and tractor stations and the like), as well as municipal enterprises and the bulk of dwelling houses in the cities and industrial localities, are state property, that is belong to the whole people.

Art. 7. The common enterprises of collective farms and co-operative organizations with their livestock and implements, and the products of the collective farms and co-operative organizations, as well as their common buildings, constitute the common socialist property of collective farms and co-operative organizations.

In addition to its basic income from the common collective farm enterprise, every household in a collective farm has for its personal use a small plot of household land and, as its personal property, a subsidiary husbandry on the plot, a dwelling house, livestock, poultry and minor agricultural implements — in accordance with the regulations of the agricultural artel.

Art. 8. The land occupied by collective farms is secured to them free of charge and for an unlimited time, that is, in perpetuity.

Art. 9. Alongside the socialist system of economy in the Russian SFSR the law permits the private economy of individual peasants and artisans based on their own work and precluding the exploitation of the labour of others.

Art. 10. The right of citizens to personal ownership of their income from work and of their savings, of their dwelling houses and subsidiary household economy, their household furniture and utensils, articles of personal use and convenience, as well as the right of inheritance of personal property of citizens, is protected by law.

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II

The Slavonic soil cultivators, depending upon economic self-sufficiency and cooperative effort in marshy and forest regions, as well as in the steppes, practiced a system of joint-family ownership of land (zadruga system). But when nomadic warriors imposed their rule over the tillers of the soil, the invaders considered the land over which they ruled to be their property and forced the peasants who were settled on it to pay them tribute in grain and other agricultural produce. According to the expanded version of the *Pravda Ruskaya,* for instance, after the death of a *smerd* (peasant) his sons would inherit the land, but if there were no sons the property went to the prince.

It is possible that already at that time some of the Asiatic conquerors occasionally divided and redistributed the land among the peasants according to the changing size of their families, the ability to till it and pay taxes and tithes. This might have been the most expedient way by which the conquerors sought to increase the income from the lands which they controlled. At the same time the peasants that formed a land commune were held jointly responsible by their over-lords for a predetermined amount of tributes, as well as for criminal acts committed on their territory.

The system of joint community responsibility was a well-known practice in the society of steppe nomads. It was especially applied as a means to procure fines and force the payment of debts. In that social system if a wrong-doer was unable to pay a fine, his nearest relatives, and failing them, the whole camp, had to provide it.[10] Therefore when these predatory herdsmen imposed their rule over the farming folk, they might have introduced the principle of joint responsibility as the most expedient way to collect the tributes and to exploit economically the subjected peoples.

It was by such social processes that the non-warlike and stateless society of the Old-Slavonic agricultural folk was incorporated into a military society of power-oriented horsemen of the Eurasian steppes.

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form an organized opposition; instead they fought among themselves over priority in rank and position (*mestnichestvo*), over estates and crownlands, and over the favors of the Czar.

The lack of unity and struggle for power existed also among the lesser nobility, most of whom obtained their rank not by right of inheritance but by the favor of the Czar or as a reward for their military services. Some of these service nobility were rich in vast possessions, others did not differ much from common peasants in the amount of land they possessed, in standard of living, and in formal education.

Internal squabbles among the landed magnates and the service nobility were weakening the strength of the Czardom in relation to its adversaries. This situation offered a strong argument in favor of the Czar's despotism and at the same time eased the crushing of the opposition in the interest of unlimited power. "If subjects submit not themselves unto their ruler, never shall strife cease in the land," said Ivan the Terrible.[9]

The best way to break the power of the landed aristocracy was by making them economically dependent upon the Czar. This objective was achieved in two ways. One was forceful expropriation, resettlement, imprisonment and assassination of recalcitrant boyars. The other consisted of the increased emphasis on *pomestie* system of conditional land tenure as against *votchina*, or hereditary land property.

According to the pomestie system, which followed Mongol traditions, the crown lands, together with the peasants settled on them, were donated to the holder of an office or of a military rank under the condition of obligatory and loyal service to the Czar, and only as long as the loyal service on the part of the land recipient lasted. The *pomeshchik* was obliged to provide a contingent of soldiers according to the size of his donation. This obligation devolved from father to son. The older sons would obtain from the Czar new pomesties and the youngest son would, as a rule, inherit the pomestie of his father.[10] In the Byzantine Empire, too, the land was given in reward for service, but there the land became hereditary property that could be disposed of at will by the holder. In Russia the system of conditional land ownership meant, like in the Mongol political system, complete

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dependency of the land recipients upon the Czar, because the Czar could at any time withdraw the grant.

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By means of the pomestie system of land tenure which prevailed in the second part of the sixteenth century the Muscovite rulers obtained both of their objectives: unlimited power and permanent war preparedness. Once the owners of the estates became dependent upon the Czar for the possession of their lands, any opposition on their part could be crushed easily, especially if the caste solidarity and the development of an *esprit de corps* among these people could be prevented. By the end of the seventeenth century the hereditary land tenure and the conditional land tenure were equalized. As a result all nobility became service nobility (*dvorianstro*), dependent upon the Czar for their lands. All therefore became *holopy*, the slaves of the supreme *gosudar* (master). Neither type of land holder could alienate his land either by sale, exchange, or any other process. The principle was that "He who owned land should serve the Czar."

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Thus, by the end of the seventeenth century, by making the nobility economically dependent and having the support of the Church, the Muscovite Czars were enabled to eliminate all potential opposition to their rule and to perpetuate their despotic power. After the nobility was subdued and regimented, the other classes, including the clergy, followed suit. By the end of the seventeenth century the slaves and free land tenants were equalized and bound to the land and burghers were bound to their [486] *posads*. It was prohibited for any person to move from one town or borough to another without special permit. There could be a penalty of death for such flight or desertion.

By this time, therefore, all persons were bound to their status. A rigid caste system was established for the purpose of securing for the Czar permanent and controllable bodies of people whose function was either to pay cess or to render military and state service. The whole state was regimented and militarized for the [641] purpose of the Czar's aggrandizement, defense of the realm and military campaigns; each person had one duty only—to serve the Czar and the country. The whole society was geared to increase the revenues and the military might of the Czardom.

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IV

Ideologies and Movements

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REVOLT OF THE LAND-OWNING INTELLIGENTSIA (WESTERNISM AND SLAVOPHILISM)

I

IN CONSEQUENCE of the reforms of Peter the Great the dvorianstvo obtained hereditary rights on their lands. At the same time their service to the state ceased to be obligatory. But the traditions of this class consisted of warfare and ruling, not of land cultivation. Thus when this newly formed landed gentry did not have to serve the state, many of them became a leisure class of people who occupied themselves by visiting Western lands, cultivating Western languages and fine arts and studying Western political and social ideologies. Few among these people were inclined to retire to the country and dedicate themselves to the management of their estates. The result of such a trend of events was that a large part of this leisure class people Europeanized themselves and developed high educational and intellectual standards. And it was from this group of a well educated landed gentry who were losing their

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Pensa gubernia rose against the landlords with the slogan "Liberty and Land" (*Zemlya i Volya*).[4] Ever since they had been enserfed and bound to the land, the peasants kept in cherished memory the *Yuriev den*, St. George's day, the day when in earlier times each peasant was allowed to leave his landlord (*vykhod*). The peasants' demand for freedom from bondage was as strong as their demand for land. When the ideas of personal, economic and political freedoms started to penetrate Russia from the European West, also, the Russian peasants, owing to a growing contact with the city and the intelligentsia, became affected by them and in consequence revolts were increasing in number. Between 1826 and 1830 there were 41 cases of peasant rebellions and between 1858–1860 there were 284 such uprisings.[5]

It is significant to note that these peasant rebellions became especially prominent and especially widely spread each time the ruling class had suffered loss of prestige, such as in case of defeat on the battlefield. During the Crimean War in 1854 and 1855 widespread peasant uprisings took place on the shores of the Volga, and in central and southwestern gubernias, the Vladimir, Ryasan, Tambov, Pensa, and Voronezh.[6] In these provinces the mir institution prevailed and periodical redistribution of land was practiced. Here also reaction against abusive and humiliating conditions of serfdom was very intense and demand for land became very strong. In these provinces the traditions of earlier revolts were fresh in the memory of the peasantry. In addition, growing density of population and increasing land shortage tended to strengthen the revolutionary attitudes of the peasants. Their hostilities turned against the landlords whom they blamed for all their ills and misfortunes.

II

The defeat in the Crimean War and the internal disturbances which followed that war forced the Czarist government to undertake measures to reorganize its armed forces and to stabilize the regime internally. After being defeated by technologically and politically superior enemies, the Czarist government finally realized that in order to improve Russia's fighting effectiveness vis-a-vis the West, higher state revenues were needed and these

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plosive revolutionary material. Hence the Bolsheviks began to send their agitators into the village.

There was no tendency among these extremists and maximalists to make use of peaceful means which had now been made possible by the Czar's Manifesto of October, 1905. In this manifesto legislative powers were given to Duma (house of representatives) and a certain degree of political, cultural and personal freedom was introduced. On the contrary these professional conspirators, following Anarchist precepts and practices, took advantage of increased opportunities for political agitation. That year the Socialist Revolutionaries in one of their proclamations stated: "If you need more land, hay, pasture, timber, take it from the landlord. Do not pay taxes. Drive evil priests out of the villages, boycott the courts, replace bad officials by good, throw out the police!"[12] In the same year the Bolsheviks, struck by the increasing restlessness in the village, called upon the peasants and the village proletariat for a "collective refusal to pay taxes, refusal to furnish recruits, refusal to fulfill the orders and commands of the government and its agents."[13]

III

Such revolutionary ideas which were infiltrating the villages not only confirmed the peasants in their beliefs and dispositions; they also tended to promote their feelings of rebelliousness, to radicalize them in the extreme, and push them toward excesses. In common with most tillers of land, the Russian peasants were convinced that the land by "natural right" belonged only to those who cultivate it, and that somehow, sometimes in the past, the land was taken away from them by force and trickery, not by right and justice.

The question of ownership of land was closely related to humiliating subservience to the landlords, the commune and the state. Ownership of land meant the regaining of self-respect. The peasants were therefore inclined to believe that they never lost the right to the land and that someday, somehow, all the land would have to be given back to them. "We are yours, but the land is ours" (*My vashi a zemlya nasha*), the peasants would say to the pomeshchiks. The speeches of the peasants' deputies

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565 The speeches of the peasants' deputies
423 in the second Duma unmistakably show that the peasants con-
[646] sidered that the land belonged to them and to nobody else and that the times of degrading oppression were over. They declared themselves in favor of the free distribution of all the land that was in the possession of the nobility, the Church, and the state:

> We are talking of land these days as of nothing else. We are told it is a sacred, inviolate possession. I think if the people want it, there can be no inviolateness about it. Gentlemen of the nobility! You think we have forgotten the time when you used us as stakes in playing at cards and exchanged us for dogs! We know we were your sacred inviolate property. But the land has been stolen from us. The peasants who have sent me here have said that the land is ours! We have come here not to buy but to take it.[14]

169 Because of such beliefs and ideas which were intensified by
565 systematic revolutionary propaganda of professional conspirators
425 and agitators, any rumors concerning the land always found a
627 ready response among the peasantry. It is for the same reason that often only a vague rumor about a government land decree was sufficient to convince the peasants that the land was given back to them by the Czar, but that it was the lesser government officials, bribed by the landlords, who kept the land out of their hands. Such land-hungry peasants, already inclined to rebel against age-long and humiliating dependency, were ready to take the law into their own hands, to seize the manorial lands, to loot the estates and to kill the landlords whenever they felt that the power of the existing authorities was crumbling.

178 The professional conspirators among the Russian revolution-
565 ary intelligentsia took full advantage of such inclinations. Their revolutionary plans were especially favored by the growing differentiation in the Russian villages. In the first decade of the twentieth century economic and social differentiation in the Great-Russian village was already well advanced. It was favored by a series of government measures (Stolypin reforms)[15] which were aimed at developing a stratum of independent and prosperous peasantry and destroying the system of communal landholding. As a result of such measures the Great-Russian village became by the first decade of this century composed of a number

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of strata, whose interests were often conflicting. There were the *obshchiniki* (the communal landholders), the *otrubniki* (the peasant private property owners), the *khutoriane* (isolated homestead owners), the *bednyaki* (the poor and indebted peasants), the *serednyaki* (the middle peasants), and the *kulaki*. Finally, there were still the pomeshchiki who owned manorial estates with arable lands, timber-forests and pasture grounds. These were, however, gradually selling their land to the better-off peasants.

The peasant private landholders prospered better than those in the communes. The yield per acre on communal lands has always been much lower than on the private lands. The communal landholders had to rely for a part of their income on wages. These they got as seasonal industrial workers or as agricultural laborers on the lands of the landed gentry. They also worked on the lands of better-off individual peasant property owners whom they resented and called *"novye pomeshchiki"* (the new squires). The poor, landless, and indebted peasants antagonized the better-off peasants. The lower and the middle peasants resented the kulaks and the pomeshchiki.

At the same time the individualization of the Great-Russian peasantry was proceeding very slowly in spite of government help and encouragement. By 1912 the proportion of consolidated peasant holdings, as compared to those remaining in the communal system, was less than 11 percent. Between 1907 and 1915 only about 20 percent of the peasants left land commune.[16] This slow decommunalization did not, however, indicate lack of desire for private land ownership. The reasons for the persistence of the old communal land system lay in the shortage of land, in peasant poverty, in vested interests within the village commune, and finally in traditional lack of self-reliance among the peasants.

As long as a large part of the Great-Russian peasantry remained in the system of communal landholding where lack of initiative and primitive techniques of cultivation prevailed, no great general improvement in land cultivation and in the standard of living of the peasantry could have been expected in spite of all government efforts. Thus, economically insecure and